

**REGULAR CAUCUS MEETING  
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO  
HELD ON TUESDAY, MAY 10, 2016**

The meeting was called to order by Council President Astorino at 7:00 p.m., the clerk called the roll and the following Members of Council responded:

**SCOTT, BURGIO, SALVATORE, TROYER, POWERS, McCORMICK, MENCINI**

Also in attendance were Mayor Coyne, Service Director Cayet, Finance Director Cingle, Law Director Horvath, and Safety Director Byrnes.

**APPROVAL OF MINUTES OF PRECEDING MEETINGS:**  
-----

**DISCUSSION:**

1. AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; PROVIDING FOR THE ADOPTION OF NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; PUBLISHING THE ENACTMENT FOR SUCH NEW MATTER; REPEALING ORDINANCE AND RESOLUTIONS IN CONFLICT THEREWITH; AND DECLARING AN EMERGENCY Introduced by Council President Astorino

**Motion** by Mr. Salvatore, supported by Mr. Troyer, to place on the May 17, 2016, Council agenda.

**ROLL CALL: AYES:** Salvatore, Troyer, Powers, McCormick, Mencini, Scott, Burgio

**NAYS:** None. The motion carried.

2. COUNCIL'S RESPONSE TO AUDIENCE PARTICIPATION:

Council President Astorino explained that when audience members have questions, he and the Clerk will take notes. When audience participation has ended he will state the questions and invite Council and the Mayor to address them; it will not be an open microphone format for everyone on the dais and would avoid debate between Council Members. Audience members have requested that their questions be addressed during Council meetings, if possible, if not, they would be advised.

Mr. Troyer asked about making this a change to the Council Rules.

Mr. Astorino stated Council could do that, however, his objective was to clarify how the handling of the audience participation portion of the meeting going forward.

**DISCUSSION: cont.**

Mr. Mencini was in favor of having dialogue back and forth with the audience to answer their questions. The Council President could curtail or end that when necessary; Council could take notes while audience members asked questions.

Mr. Salvatore stated he would like to introduce some rule changes for the next Caucus and then move them to a Council agenda.

Mayor Coyne asked to clarify if the Council President was going to determine what comments can be made and what questions can be answered.

Mr. Astorino said questions asked by the audience would be identified; then go through the list of questions and provide the answers.

Mayor Coyne stated that Mr. Astorino was going to make the determination.

Mr. Astorino said if there was a question that he missed Council or the Mayor could point that out.

Mayor Coyne asked for clarification because at the last meeting Mr. Astorino seemed determined about what questions could be answered and what comments could be made; any elected official should comment or answer questions as they see fit. Mayor Coyne continued that he has a problem with the Council President suggesting that he will determine how they will be able to respond.

**Motion** by Mr. Mencini, supported by Mrs. McCormick, that item number two was discussed.

**ROLL CALL: AYES:** Mencini, McCormick, Powers, Troyer, Scott, Burgio, Salvatore  
**NAYS:** None. The motion carried.

**3. AUDREY'S OUTREACH**

Mr. Astorino stated this was discussed during the budgetary process, Council must determine if a donation/contribution would be a valid public purpose. There are monies already in a fund account that Audrey's should receive as soon as possible for the One Step Program that starts when school ends. Two separate pieces of legislation should be drafted; one dealing with disposal/contribution of funds that already exist, and the other dealing with a possible contribution from the City. Over the last two years the City started supporting businesses and/or residents with grant programs; showing that our city is friendly to the businesses, but we should also show we are friendly and supportive of our residents and the needy. The One Step Program is a local type program for families in the Berea School System. The city no longer have a food pantry to handle this in house, but we have a charitable organization in our community that helps do this and it would be fair to provide support. Not 100% support, but something, because many eligible residents in

**DISCUSSION: cont.**

Brook Park need this program. It is similar to ways that the city has addressed snow plowing and grass cutting that is no longer done in-house. The city provides access to private companies and/or contractors and help subsidize that for residents, so, the city can also do that for Audrey's Outreach.

Law Director Horvath stated she reviewed Audrey's by-laws, confirmed their tax status and thanked Mr. Cingle for assisting in obtaining information from the auditor's office; legislation should be available soon.

Mayor Coyne stated the administration has no objections to appropriating existing money from the pantry program because it was donated for that specific purpose and made a suggestion that Council pass legislation for any community group seeking assistance from the City to set the criteria similar to what is in place for the businesses; this is done under the community development and is the same as other cities. Those seeking assistance could apply for a grant for their programs and if the grant is determined to be worthy or legal the city would go from there; so those seeking assistance could be included in a community development program supported by the administration.

Mr. Troyer stated his research shows money for the Lunch Sack Program is kept separate from Audrey's. and money donated to the Lunch Sack Program stays in that fund for that purpose. The program is about \$9,000 a summer for the benefit of only Berea School students. The money was donated and since it is not the residents' money it should go to Audrey's who has been doing the work for two and one half years, and then donating to the Lunch Sack Program, which is a just cause.

**Motion** by Mr. Mencini, supported by Mr. Scott, that item number three was discussed.

**ROLL CALL: AYES:** Mencini, Scott, Burgio, Salvatore, Troyer, Powers, McCormick

**NAYS:** None. The motion carried.

Mrs. McCormick stated HB (House Bill) 523, legalizing medical marijuana in the State of Ohio was passed today in the House and will be considered by the Senate. It is expected to reach the Governor's desk by June and this resolution would be in support of the passage of HB 523.

Mr. Salvatore asked Mrs. McCormick if she was introducing the resolution as there was no name on it, and if it had been to the law department.

Mrs. McCormick stated she was introducing it and it had not been to the law department yet.

**DISCUSSION: cont.**

Mr. Salvatore asked what was the rush.

Mrs. McCormick stated the only time sensitive issue is that it is going to move quickly and wanted to show support for the issue.

Mr. Astorino stated there has been an opportunity for some discussion and now should go to the law department to be handled during next week's council meeting under Item J - Introduction of New Legislation.

Law Director Horvath stated she would consider this submitted to the law department and be sure it is available to be introduced under Item J.

**FINANCE COMMITTEE – CHAIRWOMAN McCORMICK:**

1. AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE ADMINISTRATIVE CODE TO PROVIDE ADJUSTMENTS IN COMPENSATION FOR EMPLOYEES OF THE CITY, OTHER THAN ELECTED OFFICIALS OR THOSE COVERED UNDER NEGOTIATED LABOR CONTRACTS AND DECLARING AN EMERGENCY Introduced by Councilwoman McCormick. **P/C 4/5/16; Cau 4/12/16; Cau 4/26/16 tabled to 5/10/16 Caucus; 5/10/16 Sp. Council**

**Motion** by Mr. Troyer, supported by Mrs. Powers to remove from the table.

**ROLL CALL: AYES:** Troyer, Powers, McCormick, Mencini, Scott, Burgio, Salvatore

**NAYS:** None. The motion carried.

Mrs. McCormick stated this ordinance makes adjustments to the boards and commissions for \$75 per month.

**Motion** by Mr. Troyer to amend by changing in 2016, \$75 to \$100 and in 2017 changing \$75 to \$1200, supported by Mencini.

-----  
Mayor Coyne said the change is reflected in the new salary schedule in the Comprehensive Schedule for the special meeting this evening.

-----  
**ROLL CALL: AYES:** Troyer, Mencini, Powers, McCormick, Scott, Burgio, Salvatore

**NAYS:** None. The motion carried.

**Motion** by Troyer, supported by Mrs. McCormick, to place this item on the next Council agenda.

**ROLL CALL: AYES:** Troyer, McCormick, Powers, Mencini, Scott, Burgio.

**NAYS:** Salvatore. The motion carried 6-1.

**FINANCE COMMITTEE – CHAIRWOMAN McCORMICK: cont.**

2. ORDINANCE NO. 10017-2016, AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE FRATERNAL ORDER OF POLICE LODGE NO. 15 (PATROL OFFICERS) AND DECLARING AN EMERGENCY Introduced by Mayor Coyne **P/C 5/3/16; 1<sup>st</sup> R 5/3/16 Sp. Council; Cau 5/10/16; 5/10/16 Sp. Council**

Mr. Troyer asked about the proper procedure since this was already on the special council meeting tonight.

Law Director Horvath responded it would be for discussion purposes only at this time, no motions are necessary.

Mayor Coyne stated this was on the agenda for discussion only and a motion to place it on the special Council agenda is not necessary as it is already appears on that agenda.

Mr. Astorino stated a new longevity schedule was added in the contract, on page 14 of the FOP (Fraternal Order of Police) contract the compensation schedule seems to reflect also longevity payments. Is this a duplication?

Mr. Byrnes responded longevity payments were subtracted out that were included in the base pay and then added in sections; so the bases were less and then the 2% was added. So the longevity section is to balance it with the fire department contract and the old longevity was taken out of the base pay at the appropriate steps.

Mr. Astorino continued said on page 14 of the FOP contract it has after ten years a payment of \$68,155. Is the difference between the ten year and the forty-eight months the longevity payment?

Mr. Byrnes responded no, the former base pay of the patrol included the longevity scale of various steps; 200, 400, 600, 800 topping out at 1000, those steps were removed. These are step increases for whatever reason that they are there. The longevity was separate and added on top of that. Those amounts were taken out and then added to 2% pay. Then they were given the longevity pay that equated to the fire department as a separate section which is located on page 16.

Mr. Astorino said then a ten-year employee would get the \$68,155 plus the longevity amount. It has been recommended that this legislation be placed back in committee in case discussion is needed for another time and it does not pass at the Special Council meeting and a Member of Council would like to bring it

**FINANCE COMMITTEE – CHAIRWOMAN McCORMICK: cont.**

out; the legislation is in in committee now and will stay in committee for discussion purposes.

Law Director Horvath stated she understood is it is on the agenda for discussion purposes.

Mayor Coyne stated it is here for discussion purposes to be discussed during a Caucus, and could also be discussed in Executive Session. If it does not pass after the third reading, then it has to be renegotiated by law within 30 days. This was an effort to have further discussions and is already on the agenda.

**Motion** by Mrs. Powers, supported by Mr. Troyer, to place Ordinance No. 10017-2016 back in committee, supported by Mr. Troyer.

-----  
Mr. Troyer asked the law director if this is placed back in committee could it be passed at the special council meeting?

Law Director Horvath responded yes.

Mr. Salvatore stated the legislation has a number, therefore, it should be moved from the Caucus agenda since it has been discussed. As a formality there should be a motion placing it on tonight’s special meeting agenda since it is already there. It was discussed in a Caucus that was called for that purpose so it can be placed on the agenda for this evening by vote. If something with a number is placed back in committee how can it be passed tonight?

-----  
**ROLL CALL: AYES:** Powers, Troyer, McCormick.  
**NAYS:** Mencini, Scott, Burgio, Salvatore. The motion failed 3-4.

**Motion** by Mr. Salvatore, supported by Mr. Scott, that Ordinance No. 10017-2016 be placed on tonight’s Special Council agenda.

Mr. Troyer stated nothing can be added to a special meeting agenda. A motion “as discussed” would be proper since the first motion failed.

Law Director Horvath stated these items are on the agenda for discussion and Council could also discuss all of these ordinances that are on the agenda for the special meeting which might be easier and less time consuming, rather than discussing them twice.

Mr. Salvatore said nothing is being added to the agenda the item is already on the agenda; the motion is a formality. This was discussed at a Caucus and it is time to move it to the Council meeting; which is the official business meeting where

**FINANCE COMMITTEE – CHAIRWOMAN McCORMICK: cont.**

business takes place. The legislation had its First Reading and in on the Special Council agenda for Second Reading. It took a side step to be discussed at a Caucus meeting, which is nothing new, and has happened many times in the past; past practice prevails 95% of the time.

Mr. Mencini asked the law director if the proper way to do this was to have discussion at the Regular Caucus meeting and move it to the next Special Council meeting that is being held immediately to move forward? Is that the proper way to do this?

Law Director Horvath responded that is the ordinary and customary way that it has been done, however, this situation is somewhat unique because the items are already on the special meeting agenda; they were on the Caucus agenda for discussion only. Ordinarily, they would then be placed on the meeting's agenda, however, there is a special meeting and the agenda is already set. Nothing can be added but Council could place the item on the next regular Council meeting. Although, there is a special meeting after this particular meeting with all the items on the agenda so Council could do that if that's their desire but these items are all on the special meeting agenda under Second Reading.

Mr. Troyer remembered this being done two weeks ago, but did not remember it being done before that. The problem with that happening, as the law director just reminded him, is that legislation is under discussion so in order to move on from discussion there has to be an approved motion that it was discussed. So the law director is absolutely right that motion allows us to move on to the next piece.

Mr. Astorino stated that it was determined with the Clerk of Council that there should be no motion to discuss since that kills the item on the agenda under discussion. This is the same legislation that is on the Special Council agenda and would be void if defeated. Placing the legislation back in committee procedurally protects the ordinance that was placed in committee at the last meeting. Mr. Astorino continued in the past, when observing meetings as an audience member, the procedure was, with regards to items under discussion at a Caucus meeting. A motion was made to place items on a regular Council meeting and they were not on the agenda yet. This is a special council meeting and the item is already on the agenda a motion to place it on the agenda is not necessary since it is already there. Placing it back into committee does not jeopardize the special council meeting it procedurally protects the ordinance; Council does not want the ordinance killed under discussion and voided out; this is just a way to move the agenda.

Mayor Coyne stated since the Charter grants him legislative authority he has the right to call a special meeting and place legislation on the agenda. This was not

**FINANCE COMMITTEE – CHAIRWOMAN McCORMICK: cont.**

necessary except the Chairman insisted on placing the item in committee, that step was not necessary, usually, items of this nature are discussed in Executive Session and provided for prior to the meeting taking place. Any action taken or not taken has no impact on the legislation before since it is on the special meeting agenda. The legislation was properly posted and there is a motion to place it on tonight's special Caucus actually stands in the way of the legislation. In most cases if there is a challenge, what is the intent of the legislative body in moving forward? That is to act on the union contracts and in the meeting notice areas of discussion were provided for; this makes this timely as well. A motion to place it on tonight's agenda is in order since it is already there and it does not impact the notices, which is usually the issue at special meetings.

Mr. Burgio asked the law director unless Council has any questions on any of these, would it be proper to refer to this as a consent agenda and place items 3 through 6 on tonight's special council agenda?

Law Director Horvath replied that would be proper.

Mrs. McCormick stated she would not accept that motion since there is already a valid motion, properly supported.

The clerk was asked to call the roll on the motion by Mr. Salvatore, supported by Mr. Scott, to place on the Special Council agenda immediately following.

**ROLL CALL: AYES:** Salvatore, Scott, Burgio, Troyer, Powers, McCormick, Mencini  
**NAYS:** None. The motion carried.

Mr. Troyer asked the law director if there was no need for a motion to discuss to dispose of this since that was done with the last motion, correct?

Law Director Horvath asked if this was regarding Ordinance No. 10017-2016?

Mr. Troyer concurred.

Mrs. Horvath responded it was originally on the agenda for the Special Council agenda and that motion passed; so it will continue to be on that special meeting.

Mr. Troyer stated, therefore, a motion that it was discussed is not necessary?

Mrs. Horvath concurred.

**FINANCE COMMITTEE - CHAIRWOMAN, McCORMICK: cont.**

3. ORDINANCE NO. 10018-2016 AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE BROOK PARK POLICEMEN, OHIO PATROLMEN'S BENEVOLENT ASSOCIATION (SERGEANTS AND LIEUTENANTS) AND DECLARING AN EMERGENCY Introduced by Mayor Coyne **P/C 5/3/16; 1<sup>st</sup> R 5/3/16 Sp. Council; Cau 5/10/16; 5/10/16 Sp. Council**

Mr. Astorino asked the safety director if the structure was the same regarding longevity as was previously discussed.

Mr. Byrnes concurred.

**Motion** by Mr. Salvatore, supported by Mr. Burgio, to place on the Special Council agenda immediately following.

**ROLL CALL: AYES:** Salvatore, Burgio, Scott, Troyer, Powers, McCormick, Mencini  
**NAYS:** None. The motion carried.

4. ORDINANCE NO. 10019-2016 AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH MUNICIPAL FOREMENS' AND LABORERS', UNION LOCAL 1099, AND DECLARING AN EMERGENCY Introduced by Mayor Coyne **P/C 5/3/16; 1<sup>st</sup> R 5/3/16 Sp. Council; Cau 5/10/16; 5/10/16 Sp. Council**

**Motion** by Mr. Burgio, supported by Mr. Troyer, to place on the Special Council agenda immediately following.

-----  
Mr. Troyer withdrew his support because the Council President had some questions.

Mr. Astorino asked for clarification before placing this on the agenda regarding Wage Article 14 on page 11, HMO light and HMO heavy; this used to be service workers that have been reclassified. What is the breakdown of the workers because information provided by the finance director indicates that under the old contract there were 21 employees that were service workers'.

Mayor Coyne explained HMO light was the old service workers, there will be 15 and there were 21 previously. The HMO heavy is three (3) people doing 24-hour shifts in the winter. Those employees operate a back hoe or something similar daily and are paid on an assignment bases; there were three (3) then and there are three (3) now. That is the same with the general foreman; there will be one (1) general foreman and a the new position comparative to the vehicle maintenance foreman so there will be one (1). Regarding the foremen in the past, there were five (5) and the department is going back to five (5). There was

**FINANCE COMMITTEE - CHAIRWOMAN, McCORMICK: cont.**

one position that was not filled and one that will fill the position of the person that was promoted to general foreman; in trade-crafts there are still three (3). There are two (2) janitors and the city has one and a half animal wardens that will remain the same and one (1) service dispatcher. There is one (1) vehicle maintenance foreman, which is what the department had in the past. There are still four (4) mechanics, one (1) welder, one (1) body repair man, three (3) maintenance craftsmen so that does not change. The changes is where we added an upper mobility opportunity for the workers and a permanent assignment of people to heavy equipment. They were getting paid for it most of the time in the past, now it is a permanent assignment for them and that was the issue they had in the contract.

**Motion** by Mr. Mencini, supported by Mr. Troyer, to place Ordinance No. 10019-2016 on the Special Council agenda immediately following.

**ROLL CALL: AYES:** Mencini, Troyer, Powers, McCormick, Scott, Burgio, Salvatore  
**NAYS:** None. The motion carried.

5. ORDINANCE NO. 10020-2016 AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE TEAMSTERS UNION LOCAL 436 AND DECLARING AN EMERGENCY Introduced by Mayor Coyne **P/C 5/3/16; 1<sup>st</sup> R 5/3/16 Sp. Council; Cau 5/10/16; 5/10/16 Sp. Council**

**Motion** by Mr. Salvatore, supported by Mr. Burgio, to place Ordinance No. 10020-2016 on the Special Council agenda immediately following.

**ROLL CALL: AYES:** Salvatore, Burgio, Scott, Troyer, Powers, McCormick, Mencini  
**NAYS:** None. The motion carried.

6. ORDINANCE NO. 10021-2016 AMENDING CERTAIN SECTIONS OF THE ADMINISTRATIVE CODE TO PROVIDE ADJUSTMENTS IN COMPENSATION FOR EMPLOYEES OF THE CITY, OTHER THAN ELECTED OFFICIALS OR THOSE COVERED UNDER NEGOTIATED LABOR CONTRACT AND DECLARING AN EMERGENCY Introduced by Mayor Coyne **P/C 5/3/16; 1<sup>st</sup> R 5/3/16 Sp. Council; Cau 5/10/16; 5/10/16 Sp. Council**

Mrs. McCormick stated this legislation has not been updated with the amendments that were approved last week.

Mr. Troyer asked to amend Exhibit A, 131.11 Commissioner of Purchasing, 139.11 Safety Forces High Risk, 147.33 Commissioner of Leisure, and 1725.01 Tax Review Board. These are unfilled positions and they should stay that way. He wanted to zero out all columns for those 4 positions except for "current".

**FINANCE COMMITTEE - CHAIRWOMAN, McCORMICK: cont.**

Mayor Coyne's only objection was that if an appeal is made by a tax payer a Tax Review Board is required and they will have to be compensated.

Mr. Cingle stated under HB 5 a newly created Tax Review Board is not permitted to receive compensation for any tax appeals or tax issues from 2016 going forward. There should be something in case there are issues from 2015 and prior, at least for the next couple of years, in the event that there is a tax issue. The board would have to be convene if necessary.

Mr. Troyer asked Mr. Cingle if he was saying this covers 2016 and 2017 and we should have something in place for that.

Mr. Cingle stated if there is a tax issue for 2015 or prior the board could hear those issues and be compensated. The board is not permitted under HB 5 to be compensated for issues in 2016/2017 and beyond. They serve on a voluntary basis.

Mr. Troyer stated this was one that we lowered the pay on. He rescinded Tax Review Board from the motion, however, it was moot point since there was no second.

**Motion** by Mr. Troyer, supported by Mrs. Powers, to zero out the proposed 2016 and 2017 schedule for 131.11 Commissioner of Purchasing, 139.11 Safety Forces High Risk, and 147.33 Commissioner of Leisure Time Activities.

-----

Mr. Salvatore stated will positions be eliminated as well?

-----

Mr. Troyer stated that could probably be done, but zeroing it out accomplishes that; if ever needed the position is still listed.

Mr. Salvatore asked if the Chairman was going to accept a mass motion to do all of these items in one motion?

Mrs. McCormick stated, yes, for these 3.

-----

**ROLL CALL: AYES:** Troyer, Powers, McCormick, Mencini, Scott, Burgio, Salvatore  
**NAYS:** None. The motion carried.

**Motion** by Mr. Troyer, supported by Mrs. Powers, to amend the following 141.03 - Police Chief, 2016 minimum to \$91,461 and maximum to \$101,660 and for 2017 amend the minimum to \$93,290 and maximum to \$103.693. For 141.03 - Police Captain, amend the 2016 minimum to \$84,810 and maximum to \$95,010 for 2016. For 2017 amend the minimum to \$86,506 and maximum to \$96,910.

**FINANCE COMMITTEE - CHAIRWOMAN, McCORMICK: cont**

143.03 - Fire Chief, amend 2016 minimum to \$91,461 and maximum to \$101,660. For 2017 amend the minimum to \$93,290 and maximum \$103,683.

143.03 - Assistant Fire Chief, amend 2016 minimum \$84,810 and maximum \$95,010. For 2017 amend minimum \$86,506 and maximum \$96,910.

-----  
Mrs. Powers pointed out the reduction is because there was supposed to be a 2% raise across the board, however, the fire and police chiefs and captains were getting paid an 8% raise, so that is the reason for the reduction in the pay scale.

Mayor Coyne stated that is the reason for the recommendations, there is a 14% differential between the ranks throughout the various departments. Traditionally, there was 10% between the captains or the assistant chief depending on the department and the police chief and fire chief. Communities of 19,000 average about between \$15,000 and \$19,000 pay scale for the chiefs and ours are clearly out of line. The employees they supervise are making more money than the administrative officers, which is unfair. These people do not aspire to become chief because they make more as a subordinate and this recommendation is not out of line; these particular chiefs have earned this consideration. Whoever is a chief in the future is worthy of that compensation with the responsibility they have and stated not in favor of the amendment. It is 2%, generally, across the board and this inequity had to be addressed because they are not out of line with similar cities of this city's population size. Most small suburban communities, particularly surrounding communities, endure what we have because of our attractions which are good, but sometimes they attract people who are not (IX Center, airport, traveling public that comes through our town). The difference of 6% is warranted and fair and is not out of line with how similar communities compensate their chiefs.

-----  
The clerk called the roll on the motion by Mr. Troyer, supported by Mrs. Powers, to amend the police and fire chiefs and captain's salaries.

-----  
**ROLL CALL: AYES:** Troyer, Powers, McCormick.  
**NAYS:** Mencini, Scott, Burgio, Salvatore. The motion failed 3-4.

**Motion** by Mr. Troyer, supported by Mrs. Powers, to amend the following:  
139.01 - Safety Director amend the 2016 minimum to \$3,000 per month and maximum to \$3,500 per month; for 2017 amend the minimum to \$36,000 and maximum to \$42,000.

-----  
Mayor Coyne stated this is an attempt by legislative action to make the safety director's position part-time. Even at his maximum salary, the chiefs are

**FINANCE COMMITTEE - CHAIRWOMAN, McCORMICK: cont**

compensated more than the safety director. The City of Brook Park, for the most part, has had a history of having a full-time director; if the citizens desire a part-time director, they can change the Charter, this amendment appears to be punitive.

Mr. Salvatore asked to have the amounts of the amendments repeated.

Mr. Burgio stated he could not see the safety director's compensation being the same as the jailer; the numbers seem to be pretty vast and will not support the amendment.

**ROLL CALL: AYES:** Troyer, Powers.

**NAYS:** Mencini, Scott, Burgio, Salvatore.

**ABSTENTION:** McCormick. The motion failed by a vote of 2-4 with one abstention.

**Motion** by Mr. Troyer, supported by Mr. Burgio, to table this ordinance until a study is completed that would determine the correct compensation for these positions.

-----  
Mrs. McCormick stated she contacted a company that performs these studies and would like to proceed in having a job study done; a meeting could be scheduled and invited anyone interested in attending. This company could also provide a presentation at a Caucus meeting, or there could be a combination of both.

Mr. Salvatore asked if all the amendments would have passed this evening, would she still have wanted to do a study?

Mr. Troyer said, yes.

Mr. Salvatore said this was a waste of time, this Council has had this for quite a while and nothing was mentioned about a study. All of a sudden the amendments don't pass and now this Council is to proceed with a study; this makes no sense and I will not be supporting it.

-----  
**Motion** by Mr. Salvatore to call the question failed for a lack of support.  
-----

Mayor Coyne said a study costs around \$15,000 to \$20,000 and an aggregate pay increase is around \$12,000. Traditionally, the same compensation benefit packages have always been provided to all employees, in many cases employees have fallen behind. Mayor Coyne asked that the administrative employees be treated the same as contractual employees and stated doing a study after is

**FINANCE COMMITTEE - CHAIRWOMAN, McCORMICK: cont.**

passed would not hold things up. Otherwise it is another form of punitive action against the administrative employees.

Mr. Troyer stated there were other versions, but this version was just presented last week so there has not been much time to study it. Mr. Troyer continued that he planned to attend the meeting that was set a few weeks ago, however, because other things were going on it was cancelled but would be sure to attend a future meeting to get this study done. I would dislike giving someone an increase and then have to take it away after the study was done, people tend to live from pay check to pay check.

Mr. Salvatore asked if there was more than one company to do the study.

Mrs. McCormick stated so far only one company is involved and after it is determined what they offer, others can be involved to compare prices.

Mr. Salvatore stated that Mr. Troyer commented that he would he would dislike giving someone an increase and have to take it away after a study is done, however, the same consideration has not been given to all the boards and commissions in reducing their compensation.

Mrs. Horvath noted, before the vote is taken, that Ordinance No. 10021-2016 is still on the special meeting's agenda.

Mrs. Powers was in favor of getting a study and some recommendations. Since it is not an emergency that needs to be passed today or next week, it would be better to take the time and get things right.

Mr. Mencini felt there should be no further delays and it should be enacted tonight. He was in favor of a professional review and did not want to see salaries reduced, but if that happened, that is business.

Mrs. McCormick stated the Council President introduced the same salary schedule with different numbers earlier this year, which was discussed and disposed of. It was the administration's, various Council members and numerous residents' main objection that no job study had been done, therefore, it was arbitrary as to who deserved a raise. Mr. Troyer's proposal to hold off on any increases until a study is completed is a valid motion and is what everyone is requesting and Council should honor the will of the people.

Mr. Troyer stated per the Charter compensation for boards and commission is zero unless decided otherwise, it is my responsibility to protect the residents' money.

**FINANCE COMMITTEE - CHAIRWOMAN, McCORMICK: cont.**

Mrs. Powers asked the law director if a study is done after this is passed and changes are recommended can the contract be changed or does the arbitration process have to be done again.

Mrs. McCormick stated this is not regarding contract positions, but it is still a question for the law director.

Mrs. Horvath responded yes, regarding administrative employees, if this passed, Council would be able to go back later and make changes.

Mayor Coyne stated in January the Chairman held a Special Finance committee meeting in violation of the Charter and Council Rules where the Council President recommended reducing salaries. They contacted finance directors and council members from various cities as to compensation and they probably obtained the same numbers that he has.

Mrs. McCormick said they shared some of the numbers with other Council members.

Mayor Coyne said you had numbers to make amendments when this began for hourly people, most of who already made \$10.00 an hour and on auxiliary police already making \$13.00 an hour, so that did not accomplish anything. For boards and commissions, it says zero compensation and agreed because those were cuts. This was a punitive action against these employees from the very beginning and stated that more money has been wasted on studies that most of the time tell you what you want to know, depending on the criteria you set for those studies. My recommendation is that this legislation be enacted so that all employees will receive a 2% pay increase, it is no different for these employees with the exception of the chiefs. Councilman Powers brought up 8% and what was the percentage you raised for part-time people? Those pay raises per the finance director were \$7,000 to these full time people in aggregate and 2% pay increase for \$12,000. This is not about objectivity, but about being punitive by disguising this as doing untimely research. From the very beginning I asked that you allow me my authority under the Charter. To make recommendations and act accordingly just as there are two ordinances that affect these other changes you want to make, it wasn't necessary.

**Motion by** Mrs. Powers, supported by Mrs. McCormick, to call the question.

-----

Mr. Salvatore asked for clarification of the motion?

-----

Mrs. McCormick clarified a motion by Mr. Troyer, supported by Mr. Burgio, to table the legislation until a job study was completed.

**FINANCE COMMITTEE - CHAIRWOMAN, McCORMICK: cont.**

Mrs. Horvath noted these items are on the Caucus agenda for discussion purposes only and also appear on the Special Council meeting immediately following. Mrs. Horvath continued that she is not sure if a motion to table the ordinance is appropriate at the Caucus meeting.

Mr. Burgio withdrew his support on the motion.

Mr. Troyer asked then if the amendments would be improper because legislation has been amended many times, this year, that appeared on a Caucus and Sp. Council at the same time under readings.

Mrs. Horvath stated that was a different question. This is tabling legislation that is on this agenda for discussion only. You can move to amend within the Caucus and transfer that over to the legislation that is on the special meeting. There is an issue with tabling when it is supposed to be discussed and appears properly on the special meeting agenda.

Mr. Troyer said so tabling could not happen but the amendments are appropriate.

Mrs. Horvath concurred.

-----  
**Motion** by Mr. Salvatore, supported by Mr. Burgio, to place this item on the Special Council immediately following and to table it, if necessary, during that meeting.  
-----

Mayor Coyne stated this cannot be tabled at all as these meetings have been called for the purposes of doing this so you cannot...

Mr. Troyer - Point of Order.

Mrs. McCormick asked Law Director Horvath for a ruling as to it being proper to table from the Special Council meeting, instead of this Caucus meeting.

Mrs. Horvath responded the motion on the floor has to move forward, it would not be proper to table at this meeting but if Council proceeds with the motion during the order of business Council could make a motion to table for consideration.

Mrs. McCormick stated she will make that motion at that meeting.

Mrs. Horvath said at this point in time that it may be a valid motion; but right now it is not a valid motion.

**FINANCE COMMITTEE - CHAIRWOMAN, McCORMICK: cont.**

Mrs. McCormick clarified she was not speaking about this meeting but for the Special Council meeting following.

Mrs. Horvath responded she would take that under consideration, but to dispense with the current motion on the floor.

Mrs. McCormick commented, then, you do not have an answer.

Mr. Mencini asked Law Director Horvath if she was saying to dispense with the motion and table it during the special meeting.

Mrs. Horvath said the question is can this be tabled since it is the same ordinance that has appeared on three special meeting agendas. What I am saying is to first dispense with the motion that is currently on the floor, it would not be appropriate to table something at this meeting; Council should deal with the order of business in front of them and go from there. Mrs. Horvath continued she did not know whether or not if it was appropriate because there are special meetings with this on the agenda for tonight and also next week.

Mrs. McCormick asked Mrs. Horvath if she was saying that if the special meeting has already been called it could not be canceled?

Mrs. Horvath said you are asking me if the special meeting is...

Mrs. McCormick said you are saying it is already on three meetings, therefore, you do not think it could be tabled, but if there is a meeting in the future that could always be canceled with proper notice, couldn't it?

Mrs. Horvath said it would be appropriate to deal with the current motion on floor at this time and she could research the issue between meetings.

Mrs. McCormick said she was looking for a yes or no answer as to whether it would be appropriate to table it at the special council meeting.

Mrs. Horvath reiterated her earlier comments.

Mrs. McCormick stated at this time she has not recognized the motions.

Mr. Astorino stated the question being asked is can it be done at the next meeting will impact their vote at this meeting. Mr. Astorino stated to Law Director Horvath that it would be appropriate for her to provide an answer rather than taking it under advisement because they need to know what her decision is prior to casting this vote.

**FINANCE COMMITTEE - CHAIRWOMAN, McCORMICK: cont.**

Mrs. McCormick stated that would be a correct interpretation.

Mr. Salvatore said there is a motion on the floor, properly supported.

Mrs. McCormick said she has not recognized it yet.

Mr. Salvatore stated the only the motion should be discussed, not what we are going to do tomorrow, the motion was properly supported. To recognize it and to call the roll would be proper protocol at this time.

Mr. Troyer said the motion would be invalid because he never withdrew his motion to table it. The second was withdrawn by Mr. Burgio.

Mrs. McCormick said it was still under discussion and did not have to recognize the motion, at that time, to move it.

Mayor Coyne said if the meeting schedule is followed, under third reading the legislation can be so, tabling it or not is of no consequence. Council has the authority to vote yes or no, and the Charter gives him the authority to call meetings and put legislation on those meetings. We are really here about what you were about in the beginning in January. Nothing has changed irrespective of what the facts may be so a study will not change anything. Mayor Coyne continued he called these meetings this way to avoid confusion, which is a planned confusion, and is totally unnecessary to the subject. The law director does not have to make a ruling as he has the authority to do this and going three readings will provide all the time necessary and a study will not be needed.

Mrs. McCormick said Council has the authority to table an item or remove it at any time. Wouldn't that be an appropriate motion?

Mrs. Horvath responded I do not believe at this Caucus meeting where these items were placed for discussion, that it would be appropriate to table the motion at this time. There is a special meeting, validly called that has the same ordinance on the agenda. Since this ordinance was placed on the Caucus agenda for discussion purposes only, if you wanted to take up that motion, the proper time would be to do it at the special meeting. Mrs. Horvath stated I am not saying that the motion to table was proper and if you were going to make it, it would be more appropriate to make it at the special meeting.

Mrs. McCormick said you cannot determine until then whether it is appropriate or not?

**FINANCE COMMITTEE - CHAIRWOMAN, McCORMICK: cont.**

Mrs. Horvath responded I am not going to make a speculative opinion based on what may or may not happen at the next meeting; Council needs to take care of the business before them now. Take care of the motions and if it turns out that there is some motion of that kind at the next meeting that needs to have some sort of opinion rendered I will give it then, but not now speculatively.

Mr. Troyer withdrew his motion to table.

-----  
**Motion** by Mr. Salvatore, supported by Mr. Scott, to move the legislation to the Special Council meeting immediately following.

**ROLL CALL: AYES:** Salvatore, Scott, Burgio, Troyer, Powers, McCormick, Mencini.

**NAYS:** None. The motion carried.

Mrs. McCormick said Ordinance No. 10021-2016 will be on tonight's special Council meeting.

**LEGISLATIVE COMMITTEE – CHAIRMAN, TROYER:**

1. A RESOLUTION DECLARING BROOK PARK A PURPLE HEART CITY  
Introduced by Councilwoman McCormick and Council President Astorino  
**P/C 5/3/16**

Mr. Troyer asked for co-sponsors. if there were more cosponsors.

Mrs. McCormick commented all of Council except for Mr. Burgio who is conditional and waiting for the third companion piece to come forward. Mrs. McCormick continued that she would like to move this along as quickly as possible so that she can contact the Order of the Purple Heart to start making arrangements for the signs.

**Motion** by Mr. Salvatore, supported by Mr. Burgio, to place item number one on the next regular Council agenda.

**ROLL CALL: AYES:** Salvatore, Burgio, Scott, Troyer, Powers, McCormick, Mencini.

**NAYS:** None. The motion carried.

2. A RESOLUTION DECLARING AUGUST 7<sup>TH</sup> PURPLE HEART DAY IN THE CITY OF BROOK PARK Introduced by Councilwoman McCormick and Council President Astorino **P/C 5/3/16**

Mrs. McCormick reiterated to move this legislation quickly so that proper arrangements can be made; anyone wishing to help is welcome.

**LEGISLATIVE COMMITTEE – CHAIRMAN, TROYER:**

Mr. Mencini commented this is a great Resolution and stated he hopes that on August 7<sup>th</sup> there would be something planned as this is one of the better ones.

**Motion** by Mr. Salvatore, supported by Mr. Scott, to place item number 2 on the next Council agenda.

**ROLL CALL: AYES:** Salvatore, Scott, Burgio, Troyer, Powers, McCormick, Mencini.

**NAYS:** None. The motion carried.

3. A RESOLUTION TO DISCOURAGE BULLYING AND CYBERBULLYING IN THE COMMUNITY AND DECLARING AN EMERGENCY Introduced by Councilwoman McCormick **P/C 3/1/16; Cau 3/15/16 Sp. Caucus; B/C 3/15/16 Sp. Caucus**

Mrs. McCormick stated this resolution addresses issues brought up by some residents, Council members and employees; there appears to be a significant social media mess between appointed officials, elected officials and residents. This resolution expresses wishes to discourage bullying/cyberbullying, and encourages the City to annually review and/or update its policies, including the city's social media policies. This protects employees and elected officials and limits liability to the city arising from such behavior and also asks the Mayor to enforce these policies. Also encourages development of a training program on workplace bullying and proper use of social media and requests all city employees to participate in same; being a resolution it is not legally binding, but it expresses a wish to resolve existing issues.

Mr. Mencini stated he hoped the resolution would discourage cyberbullying with everyone, not just employees.

Mayor Coyne stated the resolution is unenforceable and suggested this is not the city's current practice. I read the city's social media policy and there are First Amendment rights to consider, interactions between small networks of people cannot be governed. This legislation encourages everyone to behave professionally and fairly, however, Sections 2 and 3 seem to indicate that is not being done now and would only support if those sections were removed.

Mr. Salvatore stated he did not see the law director's certification on the resolution.

Mrs. McCormick stated she did not accept the law director's revision as it is not the duty of the law director to determine the content, only that it is legal.

Mr. Salvatore said that basically it is only making a statement as it is not enforceable.

**LEGISLATIVE COMMITTEE – CHAIRMAN, TROYER:**

Mrs. McCormick responded that is the nature of a resolution to encourage a solution to a problem.

Mr. Salvatore said sometimes you make a statement and sometimes you infringe on people's rights and that could cause problems, I would feel better if the law director looked at this, and would take the Mayor's comments into consideration.

Mr. Troyer asked the law director if the resolution was proper as to legal form and correctness.

Mrs. Horvath stated that legislation was drafted something slightly different since the city is reviewing the social media policy and finalizing same, which was one of her issues. Her language was slightly different and when this was suggested there was a bill in the Ohio Legislature considering adding some telecommunications and website bullying language and making that a misdemeanor. The language was not specifically directed in the appropriate manner to the public and that was the reason she did not certify it as to legal form and correctness.

Mr. Troyer stated that the way this was presented was not, in her opinion, to legal form and correctness?

Mrs. Horvath stated, yes, she chose not to certify it and instead provided it in a more appropriate amended form.

Mr. Troyer stated he understood she chose not to, but is it not in legal form and correctness in the way it was presented?

Mrs. Horvath stated that if I thought it was I would have signed it.

Mr. Salvatore asked that if something were passed that could, potentially, create an adverse effect on the city, could the City be in jeopardy in trying to enforce or try to indicate a policy that may be infringing on someone's rights?

Mrs. Horvath said this is a problem because people have First Amendment rights and this seems to be centered on city employees; we want to tread lightly in trying to curtail city employees' First Amendment rights. This is only a resolution that is just an expression of legislative intent, but it is certainly a concern.

Mr. Salvatore said cyberbullying is a serious problem that goes deeper than City Council; it involves people in the audience, people's children, families, people's wives. There is also a situation with our children and adults should help curb some of this nonsense. Mr. Salvatore expressed concern with passing something

**LEGISLATIVE COMMITTEE – CHAIRMAN, TROYER:**

that is not enforceable and could put the city at risk and would be more comfortable if the law director reviewed it and stamped it with her approval.

Mrs. McCormick said the law director's amended version removed Sections 2 and 3 and Section 1 was amended to read, "The Council of the City of Brook Park hereby discourages bullying and cyberbullying in the community, avoids inappropriate postings that may include discriminatory remarks, harassment and bullying and requests all employees to be respectful and fair and courteous in connection with posting of comments, complaints, photographs or videos." Mrs. McCormick continued that she had no problem with that particular section, but what she had hoped was to express some way for the problem to be addressed within the city. We cannot control what goes on in the world, but we do have our own policies, this is just an expression of support and is not an ordinance creating any laws.

Mayor Coyne said targeting employees is her expression and asked Mrs. McCormick if she wanted to add their immediate family members as well. If Council signs off on this they are giving it vast endorsement and there may or may not be improper behavior by employees; you cannot solve cyberbullying.

Mrs. McCormick stated this is an expression of support.

Mayor Coyne said we know what it is.

Mr. Troyer believed the Mayor could go far helping with this issue and wished he would.

Mayor Coyne asked if that was really what he believed.

Mr. Mencini stated Mrs. McCormick is probably right regarding some aspects, that we cannot control the world, but we are leaders and it starts with us. If everyone in the room and their neighbors stayed off Facebook that would be a big start.

Mrs. McCormick said employees, elected officials, appointed officials should be setting an example for the community. During the campaign she participated, but has tried not to since being elected and commented that she cannot control what other people say. She uses social media to report on what happens at the Council meetings, but solving the problem starts by setting an example; ignoring it does not help the situation.

Mr. Troyer said he has never participated in cyberbullying.

**LEGISLATIVE COMMITTEE – CHAIRMAN, TROYER:**

Mayor Coyne said, nor has he and referring to elected officials is fine to set the example, but remove sections referring to employees. Then he would support the resolution because it speaks to the community at large rather than targeting, specifically, employees, which is wrong and unfair, whether it is just a resolution or not. It indicates that Council is giving it vast endorsement that there may be some misbehavior on the part of employees, which has not been found to be true.

Mrs. Horvath said she was not aware if the Governor had signed HB 151 yet, but there could be support for that bill, which addresses cyberbullying and assigns it the equivalent of telephone harassment as far as being an offense, that passed the legislature about ten days ago.

Mrs. Powers said she has never viewed these sites, but felt everyone present should make every effort to stop such a negative concept and does not understand why anyone would participate in this type of activity. If people cannot control themselves perhaps something needs to pass saying they need to be controlled along with their hurtful comments.

Mr. Troyer suggested looking at HB 151, having further discussions with Council members and keep this in committee until further information becomes available. When the state passes the bill then amendments could be made to improve the resolution.

**Motion** by Mrs. Powers, supported by Mrs. McCormick, to place item number three back in committee.

**ROLL CALL: AYES:** Powers, McCormick, Troyer, Mencini, Scott, Burgio, Salvatore.  
**NAYS:** None. The motion carried.

Mr. Troyer said regarding item number one declaring August 7<sup>th</sup> as Purple a Heart City, where Section 1 reads, "...sacrifices of the...", the word "of" should be replaced by the word "that".

**Motion** by McCormick, supported by Mrs. Powers, to amend "of" in Section 1 to "that".

**ROLL CALL: AYES:** McCormick, Powers, Troyer, Mencini, Scott, Burgio, Salvatore.  
**NAYS:** None. The motion carried.

Mr. Salvatore asked Mr. Troyer how can he get his legislation out of the committee so it could be placed on the agenda.

Mr. Troyer responded to contact me and he will be pulling some others out as well and would like to do them all at once very soon.

There being no further business to come before this meeting Council President Astorino declared the meeting adjourned at 9:20 p.m.

RESPECTFULLY SUBMITTED *Michelle Blazak*  
Michelle Blazak  
Clerk of Council

APPROVED *November 15, 2016*

THESE MEETING MINUTES APPROVED BY BROOK PARK CITY COUNCIL ARE A SYNOPSIS, NOT TRANSCRIBED IN THEIR ENTIRETY, ALTHOUGH ACCURATE.